



Magistrate's Court of Jersey

Information Release – 3 July 2020

In light of the recent changes in Government guidance regarding physical distancing, the Magistrate's Court building will reopen with effect from 6 July 2020. From this date Magistrate's Court and Petty Debts Court matters will no longer be heard by way of video conferencing and parties will be required to attend at the court building for all hearings, unless informed otherwise.

Appropriate measures will be in place to ensure the safety of court staff and users. This will include changes in how the Court operates both for those attending at the building and for those involved in the administration of cases, specifically in relation to the listing of cases. This document outlines how the Court has adapted its practices to ensure that those attending at the building can feel confident of their safety.

All court users are reminded that in the event they have a confirmed or suspected case of Covid-19 they should not attend at the court building and should instead follow Government guidance relating to self-isolating and contact the Court in advance of their hearing to explain their non-attendance.

For those who remain classed as vulnerable or who are living with family members who are vulnerable, the Court is still able to accommodate video hearings if it is in the interests of justice to do so. If you are concerned about attending at the court building please contact the Court in advance to explain and we will consider whether it is appropriate to use other ways for you to attend. This includes members of the legal profession.

Contact may be made either on mcg@gov.je (criminal matters) or pdc@gov.je (petty debts matters) or by telephone on 01534 440080

General measures in place for all persons attending the court building

- Physical distancing continues to be in practice in the building. Court users are reminded that a **minimum** of 1 metre distance should be kept from all other people within the building.
- **Cases will no longer all be listed to be heard at 10am.** Staggered listing will be in practice in all courts, with parties being contacted in advance to inform them of the time their case is scheduled to be dealt with. No person, including any Advocate, should attend at the court earlier than 10 minutes before their allocated hearing time, unless the Court informs them otherwise.

- If a party attends earlier than 10 minutes before their allocated hearing time, then they will be refused entry and asked to return at the time they have been given.
- Entrance to the building for all court users will be via the automated doors at the front of the building.
- All court users will be required to utilise available hand sanitiser on entry and exit.
- Those attending may wish to wear masks, but will be asked to remove them when in court.
- Safety Perspex has been placed at the front desk to protect court staff and users arriving at the building. No access will be given to members of the profession or public to the usher's office situated behind the front desk.
- On arrival, those attending the building will be required to check in with the usher at the front desk, who will advise parties of where they need to wait.
- There will be a one way system in place for movement through the building:
 - **For all criminal cases**, the staircase will be used to go up to court 2, where all criminal court hearings will take place.
 - Defendants, members of the public and Advocates will wait outside the courtroom on physically distanced seating until the usher escorts them in for their case.
 - When a case has been dealt with the usher will escort the parties out of the courtroom. The lift will be used to come back to the ground floor, where the automated doors are to be used to exit the building.
 - Only one person may use the lift at any one time.
 - **For all Petty Debts Court cases**, court 3 will be used for hearings.
 - On arrival, parties will be placed in appropriately physically distanced waiting rooms near to court 3, where they must remain until their case is called and the usher escorts them into the court room.
 - When a case has been dealt with the usher will escort the parties out of the courtroom. Exit will be via the side door to the building, as guided by the usher.
- No defendant, defence advocate or member of the public may enter the court room until they are shown to their seat by the usher in court.
- Public toilet facilities remain available on the first floor of the building. Only one person may utilise the toilet facilities at any time.
- Ushers will clean benches and/or the dock/witness box using sanitiser spray between each case as necessary, and parties will be guided into and out of the court room. Those attending court are asked to be patient as there may be a short delay between each case as a result.

Attending at the court building if you are not a party to a case

- No members of the public other than the persons involved in a case will be granted access to the building **unless** they have booked a seat in the public or media gallery. This includes members of the media, trainees and/or court assistants who wish to attend. Please note, only those with conduct of a case will be granted access to the advocate's benches.
- Members of the public may book a seat in the public or media gallery by contacting the Court using the details provided above. On booking, please indicate the date you wish

to attend, the case(s) you wish to attend for and your full name and telephone number. Personal details will be retained for a 14 day period, after which they will be destroyed.

- All bookings for the public or media galleries will be allocated on a first come, first served basis.
- A list of those who have booked seats in the public/media gallery will be held by the usher at the front desk each day. On arrival those attending the building will be required to check in with the usher and will be allocated a seat number within the courtroom. This number will correspond with a label on a seat in the courtroom.
- No member of the public may enter the court room until they are invited to do so by the usher. They must then sit in the seat allocated to them. .

Criminal Court (youth and adult matters)

Listing of new charges

- All newly charged matters will continue to be listed on a Thursday morning. Earlier procedures regarding walk-ins and each Parish being allocated a certain day of the week to charge matters to shall not apply.
- The Magistrate's Court Greffe will continue to liaise with those in the charging office regarding availability of court dates for those charged from the police station.
- For hearing dates for those to be charged from Parish Hall Enquiries Centeniers are asked to liaise with the Magistrate's Court Greffe using the contact details above and dates will be provided in advance of charge.
- Any changes to listing practices will be determined by the Magistrate's Court Greffier in conjunction with the Magistrate and communicated appropriately in advance to court users. Should there be an increase in the number of matters being charged, thereby necessitating additional court hearing time, the Magistrate's Court Greffier will determine when these matters shall be listed.

Time of hearing

- The listing of all cases shall be staggered, the time at which the parties must attend at the court building being advised in advance by the Magistrate's Court Greffe. Centeniers are asked to continue to charge and bail defendants to 10am, obtaining contact information on charge using the form provided by the Court to allow the Magistrate's Court Greffe to contact the defendant thereafter to confirm the hearing time. Any change to the listing time of a case will be at the sole discretion of the Court.

The youth court

- Due to the current volume of youth work it is not necessary to list a youth court on each Tuesday. Youth matters may be listed by liaising with the Magistrate's Court Greffe to obtain a date prior to charge. The Court will then make appropriate arrangements for the youth panel to sit as needed.

Attending on the day of hearing

- On arrival, after checking in with the usher, parties will be asked to proceed upstairs to wait on the landing area outside Court 2, where physically distanced seating is available.
- Due to the lack of waiting facilities, parties must attend at the court building no earlier than 10 minutes before their allocated time. This includes advocates. Court users are requested not to move the seats to sit with family members, friends or their advocate/client.
- Certain areas of the court building will remain closed to the public and appropriate signs will be placed around the building to ensure these areas are not used. These areas include the corridors on each side of courtrooms 1 and 2, which may only be used in the following ways:
 - Members of the LOD may enter the corridor to the right of court 1 to access their office.
 - Witness service, Probation and Viscount's Officers only may enter the corridor to the left of Court 2 in order to access their offices.
- All criminal cases will be dealt with in Court 2. Entrance to the court room will be via the main door from the landing area and exit will be via the side door within the court room. The usher will escort parties in to and out of each hearing.
- The side door in Court 2 shall be used only for exiting the court room – no entry will be allowed through this door.
- All defendants, other than those appearing from custody, will appear from the witness box. Defendants appearing from custody, either at HMP La Moye or at Police Head Quarters, will continue to appear by way of video hearing.
- Cleaning of benches and other necessary areas will take place between each case by the usher. Parties are asked to be patient when waiting for their case to be called.

Guidance for the duty advocate

- The duty advocate's room will be to the right hand side of the entrance to Court 1. This room has been set up to ensure that physical distancing can take place while taking instructions. Only 2 people may use the room at any one time.
- The Court is grateful for the continued cooperation of the duty advocates in providing their details in advance and would request that this continues at this time. Defendants will continue to be asked at the time of charge to indicate if they require the duty advocate. The Court will receive this information in advance and inform the duty advocate that their attendance is required at the court building. At the same time the police will be informed that disclosure is required and should be released in advance of the hearing date.
- In the event that the Court does not contact the duty advocate before the hearing date to inform them they are required, then they may assume that there are no defendants on bail for them to deal with. It will remain the responsibility of the duty advocate however to ensure that they contact the custody suite at Police Headquarters to establish if there are any defendants in custody who require duty representation.

- In the event that a defendant is in custody who requires duty representation then they will continue to appear by way of videolink from Police Headquarters. The same process as has been adopted throughout the court building closure will remain and duty advocates will speak to their clients on the telephone from Police Headquarters. The defendant will then appear via StarLeaf before the Court when all parties are ready to proceed. Duty advocates are asked to ensure they continue to liaise with the Greffier in court on the day to let them know when they are ready.
- Should the duty advocate only have a case involving a defendant in custody then, rather than attend at the court building, they may also attend by way of StarLeaf.
- Please note, that due to the reduced amount of youth work currently listed at the Court, it is not necessary to have both an adult and a youth duty advocate attend at the court building each Tuesday. The youth duty advocate list will remain suspended until further notice.

Guidance for the profession generally

- All advocates wishing to speak to the prosecutor and/or their client about a case are requested to do so prior to the hearing date whenever possible.
- In order to reduce the movement of paperwork between people, both defence and prosecution advocates are requested to provide by email to the Court any documentation they intend to rely upon in advance of the court hearing. Emails should be sent to mcg@gov.je.
- When providing documentation from the defence please ensure that it is copied to the prosecution using the email LOFmagistratescourteam@gov.je. Where the prosecution is providing documentation to the Court please ensure the relevant defence advocate is copied in to your correspondence.
- An interview room will remain available for discussions to take place. In the event that you need to speak to your client in private please consult with the usher who will grant you access to the room as needed.
- Due to the staggered listing practice, each case will be called on at its allocated hearing time and advocates are asked to be ready to proceed. They are reminded of their duty under Article 23 of the Criminal Procedure Law (procedure on first appearance) and under the overriding objective; a plea will be expected to be entered at the first hearing and any application for further time for instructions or for a plea not to be entered must be made in court at the time the hearing is due to start.

Petty Debts Court (PDC)

Matters already listed when the building closed –

1. **Monetary claims and claims for enforcement of maintenance**
 - Claims that were listed prior to closure of the court building will be relisted as priority by the PDC Greffier.
 - Parties who no longer require a hearing date and/or whose case can be adjourned or cassé are requested to inform the court as soon as possible. This will enable the Court

to ensure sufficient listing time is made available for any remaining matters. Requests to cassé or adjourn a case should be made by email to pdg@gov.je

- The listing of all cases will be staggered. The Petty Debts Greffier will inform the plaintiff of the date and time for the hearing. This time may be subject to amendment at the sole discretion of the Court.
- The practice of parties attending with their own interpreter to assist them shall no longer apply. If an interpreter is required for a party to effectively participate in the hearing or mediation, then contact must be made with the Court prior to the hearing date and appropriate arrangements will be made by the PDC Greffier for an interpreter to be available.
- To ensure that the Judge of the PDC can be satisfied that parties are aware of any new hearing date so that matters may proceed effectively on the date of hearing, the Court will notify the defendant of the hearing date. Notification of date will be sent by post and will require any defendant who wishes to attend to contact the Court and arrange a specific time for their attendance.
- Any defendant who attends at the court building on the day of the hearing who has not informed the Court in advance of their intention to attend may find that there is inadequate space to safely allow them to wait and to be dealt with on that day and their case may be adjourned as a result.
- Due to the layout and size of the court waiting areas, parties must attend at the court building no earlier than 10 minutes before their allocated hearing time. This includes advocates.
- Court 3 will be used for all PDC hearings. On attendance at the building, parties will be required to remain in the allocated waiting room until their case is called by the usher.
- All parties will be escorted to and from the court room by the usher in a set order to ensure that people are able to adequately physically distance while moving through the building.
- Plaintiffs and defendants will be seated in appropriately physically distanced seats within the courtroom while their hearing takes place.
- Following the conclusion of the hearing the usher will then escort the parties from the room and to the exit, which will be via the side entrance to the building.
- Cleaning of the benches and other necessary areas by the usher will take place before the next case is called. Parties are asked to be patient when waiting for their case to be called.

2. Matters that were listed for mediation

- Parties have already been contacted by the PDC Greffier to request confirm that their claim has not been settled and to offer a new mediation date.
- Parties to any cases that no longer require mediation are asked to contact the Court as soon as possible so that any prospective mediation date can be reallocated.
- Upon listing for mediation the parties will be requested to provide a short mediation statement by email outlining the basis of their claim / why they contest the claim, enclosing any supporting documents.
- Mediation hearings will take place in an appropriately large room to ensure that all parties can continue to adhere to the minimum 1 metre physical distance.

- Entrance to the building will be via the main automated doors at the front of the building.
- Parties should not attend for their mediation session any earlier than 10 minutes before their allocated time.
- After checking in with the usher at the front desk, parties will be asked to make their way to an appropriately physically distanced waiting room and must remain there until they are escorted into the mediation room by the PDC Greffier.
- Parties will be seated in appropriately physically distanced seats within the mediation room.
- Following the conclusion of the hearing the Greffier will then escort the parties from the room and to the exit, which will be via the side entrance to the building.
- Only those parties to a mediation hearing will be allowed access to the building. It is not possible to book a seat as a member of the public to attend a mediation session.
- The practice of parties attending with their own interpreter to assist them shall no longer apply. If an interpreter is required for a party to effectively participate in the hearing or mediation, then contact must be made with the Court prior to the hearing date and appropriate arrangements will be made by the PDC Greffier for an interpreter to be available.

3. Evictions

- All outstanding eviction matters shall remain adjourned sine die until further notice.

4. Contested cases

- Throughout the period that the court building has been closed to the public, the Court has continued to case manage all contested actions.
- Directions have been issued in relation to these cases and parties are requested to continue to comply with the directions issued, questions raised or hearing dates provided by the PDC Greffier to ensure that trials can be listed as soon as possible.

Claims received during the closure of the building to the public –

- All new claims received during the closure of the building were tabled for their first hearing, which took place in closed court (Chambers). All cases were adjourned sine die. These matters will now be resumed.
- Parties have already been contacted to ask them to confirm that their claim has not been settled and to offer mediation. The PDC Greffier will look to list these cases for mediation, prioritising these matters after the matters that were already listed when the building closed. Parties to any cases that no longer require mediation are asked to contact the Court as soon as possible so that any prospective mediation date can be reallocated.
- The same practices as outlined in relation to matters that were listed for mediation at the time the court building closed shall apply and parties are asked to familiarise themselves with the above information before attending at the Court

Submitting a new claim now the building is open -

- Parties are requested to keep the submission of hardcopy paperwork to a minimum and all papers that can be submitted electronically should continue to be emailed to the PDC on pdc@gov.je.
- Any hard copy paperwork that cannot be submitted electronically or any queries that individuals may have regarding a case where they wish to speak to the PDC Greffier in person may be dealt with at the court building **between the hours of 2pm and 4pm each day**.
- Those who wish to attend at the court building are required to book an appointment in advance either by emailing or by telephoning using the above contact details. Due to the limited space available in the interview room, only 1 person may attend an appointment at a time.
- In order to reduce the potential spread of Covid-19 through the acceptance of cash and cheques, those wishing to file a new claim must obtain Treasury stamps to pay for their claim prior to submitting it to the Court.
- All new claims must be allocated a date and hearing time by the PDC Greffier prior to any paperwork being served. It is no longer possible for parties to choose a listing date and serve their paperwork upon a defendant without obtaining a hearing date directly from the Greffier beforehand. Any papers served without liaising first with the Greffier may be required to be re-served.
- The same practices as outlined in relation to attending hearings for matters already listed when the building closed shall apply and parties are requested to familiarise themselves with the above information before attending at the Court.